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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,197	03/02/2004	Hisanobu Asano	D-1579	1045

7590

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EXAMINER
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DANG, ROBERT TRONG

ART UNIT	PAPER NUMBER
2838	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/790,197

Applicant(s)

ASANO ET AL.

Examiner

Robert T. Dang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 13 and 14 is/are rejected.
- 7) ☒ Claim(s) 6, 7 and 9-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03/02/2004 + 12/31/2004
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-5, 8, 13, and 14 are rejected under 35 U.S.C. 102(a) as being anticipated by Gimenez (6784770).

As to claim 1, Gimenez discloses in figure 1, an earth leakage breaker for protecting a main circuit against over-current and ground failure, (see col. 1, lines 14-17) comprising: a main-body case (24), a main contact (see col. 3, lines 22-27) disposed in the main-body case, a switch mechanism (116) disposed in the main-body case and connected to the main contact for turning on and off the same, an operating handle (40) attached to the switch mechanism for operating the switch mechanism (see col. 9, lines 38-48), a leakage tripping device disposed in the main-body case for performing a tripping operation, an over-current tripping device disposed in the main-body case for performing a tripping operation, a leakage-detection circuit disposed in the main-body case for detecting a leakage current, a power-supply line connected (see col. 1, lines 4-18) to the main circuit for supplying voltage of the main circuit to the leakage-detection circuit, and a test switch (115) disposed in the main-body case for turning on and off a power-supply line when the switch mechanism turns on and off the main contact (see abstract).

As to claim 2, Gimenez discloses in figure 1, wherein said test switch is an auxiliary switch attached to the earth leakage breaker (see abstract).

As to claim 3, Gimenez discloses in figure 1, wherein said test switch is arranged so that the switch mechanism turns off the main contact when the test switch turns off the power-supply line (see abstract).

As to claim 4, Gimenez discloses in figure 1, wherein said test switch is provided with an actuator moved according to an on-off operation thereof and connected to a tripping cross bar of the switch mechanism so that when the test switch is turned off, the tripping cross bar is driven to a latch release position to thereby trip the switch mechanism and the tripping cross bar is held at the latch release position to prevent the main contact from turning on, and the tripping cross bar is released from the latch release position when the test switch turns on the power-supply line (see claim 8).

As to claim 5, Gimenez discloses in figure 1, an earth leakage breaker according to claim 3, wherein said test switch is provided with an actuator moved according to an on-off operation thereof and connected to a tripping cross bar of the switch mechanism so that when the test switch is turned off, the tripping cross bar is driven to a latch release position to thereby trip the switch mechanism and said tripping cross bar is driven to a latch release position to reset the latch by a reset operation of the handle, and the test switch is returned on through the tripping cross bar (see claim 7).

As to claim 8, Gimenez discloses in figure 1, an earth leakage breaker according to claim 1, further comprising a zero-phase (see col. 1, lines 34-60) current transformer disposed in the main-case body for detecting an unbalance current in the main circuit,

said test switch being disposed in a space between the zero-phase current transformer, and a sidewall of the main body case, said test switch being turned off in testing dielectric strength to separate the leakage detection circuit from the main circuit (see abstract).

As to claim 13, Gimenez discloses in figure 1, an earth leakage breaker according to claim 1, further comprising a switch for testing dielectric strength, which disconnects the power supply line, and said switch for testing dielectric strength is a manually operable switch for testing dielectric strength, which is connected to respective lines of the power source lines or the respective lines excluding one line, and collectively turns the power source ON and OFF (see abstract).

As to claim 14, Gimenez discloses in figure 1, an earth leakage breaker according to claim 1, further comprising a manually operable switch for testing dielectric strength, which turns the power supply circuit of the power source line ON and OFF, and the switch for testing dielectric strength prevents the power from supplying to main circuit when the switch for testing dielectric strength is held at the OFF position (see claim 1).

### ***Allowable Subject Matter***

Claims 6-7 and 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the

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limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter:

For claim 6, the prior art of record does not disclose or suggest in the claimed combination: wherein said test switch is a sliding switch or toggle switch having an operating knob, said actuator being disposed on an operating member connected to the operating knob.

For claim 7, the prior art of record does not disclose or suggest in the claimed combination: wherein said test switch is a sliding switch or toggle switch having an operating knob, said actuator being disposed on an operating member connected to the operating knob.

For claim 9, the prior art of record does not disclose or suggest in the claimed combination: wherein said test switch includes an operating section facing a window hole formed in an upper cover of the main-body case and is interconnected to a trip cross bar of the switching mechanism for driving the trip cross bar to a latch releasing position and holding the same to open the main circuit when the test switch turns off the power-supply line.

The art of record does not disclose or suggest the above claimed features, nor would it be obvious to modify the art of record so as to include either of the above limitations.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert T. Dang whose telephone number is 571-272-8326. The examiner can normally be reached on M-F, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Karl D. Easthom can be reached on 571-272-1989. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RTD

  
Adolf Denek Berhane  
Primary Examiner